

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KAREEM B. SHAHEED,

Plaintiff,

v.

CLERK OF THE DISTRICT COURT FOR  
THE NORTHERN DISTRICT,

Defendant.

Case No. [18-cv-00295-VC](#) (PR)

**ORDER DISMISSING WITH  
PREJUDICE SECOND PETITION FOR  
WRIT OF MANDAMUS**

Plaintiff Kareem B. Shaheed, an inmate at Corcoran state prison, files a petition for a writ of mandamus. His motion for leave to proceed in forma pauperis is granted in a separate order. The petition is dismissed with prejudice.

**DISCUSSION**

**I. Standard of Review**

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review, the Court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

**II. Allegations in Complaint**

Shaheed seeks mandamus relief against the undersigned, District Judge Vince Chhabria, regarding his handling of Case No. 13-cv-5751-VC because he granted the defendants' motion

for summary judgment and closed the case. Docket No. 58 in Case No. 13-cv-5751-VC. The Ninth Circuit denied Shaheed's appeal finding that the district court properly granted summary judgment. Docket No. 66 in Case No. 13-cv-5751-VC. Shaheed then filed a motion for reconsideration in the district court, which was denied. Docket No. 73 in Case No. 13-cv-5751-VC. Shaheed then filed a petition for a writ of mandamus, Docket No. 16-cv-7208-JD, challenging the outcome of Case No. 13-cv-5751-VC. On February 6, 2017, District Judge James Donato dismissed the petition with prejudice for failure to state a claim upon which relief may be granted. Docket No. 7 in Case No. 16-cv-7208-JD.

The federal mandamus statute provides that “[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361. Mandamus relief is only available to compel an officer of the United States to perform a duty if: (1) the plaintiff's claim is clear and certain; (2) the duty of the officer is ministerial and so plainly prescribed as to be free from doubt; and (3) no other adequate remedy is available. *Fallini v. Hodel*, 783 F.2d 1343, 1345 (9th Cir. 1986). However, a federal district court lacks authority to issue a writ of mandamus to another district court. *Mullis v. U.S. Bankruptcy Court*, 828 F.2d 1385, 1393 (9th Cir. 1987) (citing *Lewis v. Green*, 629 F. Supp. 546, 553 (D.D.C. 1986)).

Shaheed pursued many remedies after Case No. 13-cv-5751-VC was closed—he filed an appeal, a motion for reconsideration after appeal, and a petition for a writ of mandamus. All these challenges to the Court's ruling in Case No. 13-cv-5751-VC were denied. This shows Shaheed has had many opportunities to litigate the claims in Case No. 13-cv-13-5751-VC; he “has had his day in court” and may not keep litigating the same claims in different actions.

Like the petition in Case No. 16-cv-7208-JD, the present mandamus petition seeks a “horizontal appeal” from one district court to another and a “reverse review” of a ruling of the court of appeals by a district court, both of which are improper. *See Mullis*, 828 F.2d at 1393. Therefore, this action is dismissed for failure to state a claim upon which relief may be granted. Because amendment would be futile, it is dismissed with prejudice.

### **CONCLUSION**

This case is dismissed with prejudice. The Clerk shall close the file. The Clerk shall not file any further documents Shaheed submits in this case; they shall be marked “received” and returned to Shaheed.

**IT IS SO ORDERED.**

Dated: February 26, 2018

A handwritten signature in dark ink, appearing to read 'V. Chhabria', is written above a horizontal line.

VINCE CHHABRIA  
United States District Judge